News of the Sighting Via the Telephone and By Word of Mouth

Question: While Eid was celebrated after 29 days of Ramadhaan in Baruch and other areas, the people of Rander and Surat celebrated Eid after 30 days of Ramadhaan. People have criticised the Ulema of Rander for not accepting news of the sighting despite the fact that it reached them. This had caused great confusion amongst the people. Please explain the reason for not accepting the news of the sighting to put people's hearts at ease.

Answer: The sighting of the moon was not confirmed by any of the manners acceptable in the Shari'ah (as outlined in a previous Fatwa of *Fataawaa Raheemiyyah*). We neither received testimony of the sighting, nor testimony of testimony, testimony of the Qaadhi's judgement, a Qaadhi or Mufti's letter or *Mustafeedh* news. All we received were telephone calls and word of mouth, all of which are insufficient. Based on what then were we expected to pass a verdict?

We wish to act according to the principles of the Shari'ah and it is with the help of Allaah that we were able to do so. People should therefore not have any doubts and should always leave such decisions to the Ulema. It does no behove the common to interfere in the matter.

The matter of the new moon needs to be treated with extreme caution and the principles of the Shari'ah need to be strictly applied in the matter. Note the following Fatwa of Hadhrat Moulana Mufti Muhammad Shafee رحمه الله:

FATWA 1: It is necessary for the person who witnessed the moon to testify in person before a Qaadhi (or Mufti). The testimony will not be accepted if it is delivered via any means by which the speaker cannot be seen in person, such as by telephone, wireless, letter, radio, etc. This is despite the fact that the voice reaches and the speaker is a person who can be trusted.[1]

FATWA 2: Apart from the Hilaal of Ramadhaan, the sighting of the moon cannot be established without formal testimony, and the presence of the witness is necessary for the testimony to take place. The testimony cannot be rendered in a manner where the witness is not present, regardless of whether the manner is by olden or modern means.[2]

FATWA 3: If a trustworthy person testifies over the telephone or by letter that he has sighted the moon and the Qaadhi or Mufti is certain about his identity and receives the message clearly, the Qaadhi or Mufti may practice according to the news. However, he may not enforce this upon others until the testimony is rendered formally.

Regardless of how convinced a judge may be about any affair, he will be unable to pass judgement in the matter until he presides over a formal court hearing. A telephone call will therefore never suffice as evidence of a moon sighting. Referring to an incident in Pakistan, Hadhrat Mufti Sahib رحمه الله made it clear that the decision of the Hilaal committee was unacceptable because no witness testified before them,

[1] *Ru'yate Hilaal* Pg.40.
[2] *Ru'yate Hilaal* Pg.50.

neither did they send an Aalim to the area of the sighting to preside over a formal testimony.[3]

FATWA 4: The people in government regard the matter to be merely one of a festival and will not accept the interference of the Ulema in the matter. They think that accurate news from someone suffices to have the announcement made, little realising that this is not sufficient for the ruling to be enforced on everyone. Formal testimony and the application of the laws of the Shari'ah is necessary **because the matter entails ending one Ibaadah and starting another.**[4]

[3] *Jawaahirul Fiqh* (Vol.1 Pg.398).
[4] *Jawaahirul Fiqh* (Vol.1 Pg.397).